

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	Case No. 4:04CR3036
)	
Plaintiff,)	
)	
vs)	MEMORANDUM
)	AND ORDER
BILL LEE SMITH,)	
)	
Defendant.)	

Pending before me is an appeal (filing 78) from Judge Piester's most recent order of detention. (Filing 68.) With due respect for the very excellent Assistant Federal Public Defender handling this case, and after reviewing the lengthy and detailed pretrial services reports, my visceral reaction to the defendant's appeal is: "Are you kidding me?"

On a more elevated level, the judge's decision, whether reviewed de novo or by a more deferential standard, is clearly correct. Having escaped from prison in the past, having received the Bureau of Prison's intensive drug treatment program in the past to no avail, and having tried to convince Pretrial Services in this case to release him to a place where meth-making was evidently taking place, Judge Piester's most recent decision not to release the defendant to the Wolf House, a place of minimal supervision, was clearly correct. Therefore,

IT IS ORDERED that the defendant's appeal (filing 78) is denied.

April 26, 2005.

BY THE COURT:

s/Richard G. Kopf
United States District Judge